

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICHAEL DESHUN HOLLAND, JR,	§	
	§	
Petitioner,	§	
v.	§	Civil Action No. 3:19-CV-991-L-BK
	§	Criminal No. 3:16-CR-116-L-1
UNITED STATES OF AMERICA,	§	
	§	
Respondent.	§	

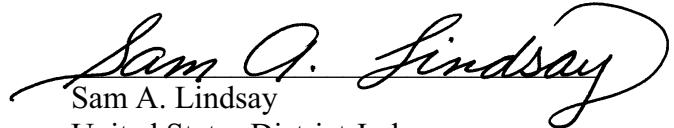
ORDER

The Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 23) was entered on June 23, 2020, recommending that the court grant Petitioner’s Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 motion in part. Specifically, the Report recommends, in light of the Supreme Court’s opinion in *United States v. Davis*, 139 S. Ct. 2319 (2019), that the court grant Petitioner’s request to vacate his conviction under 18 U.S.C. § 924(c) (Count Four) and resentence him on the remaining count of conviction, Conspiracy to Interfere with Commerce by Robbery in violation of 18 U.S.C. § 1951(a) (Count One). The Report also recommends that the court dismiss as moot or, alternatively, as untimely, Petitioner’s remaining claims. No objections to the Report were filed.

Having considered Petitioner’s motion, the file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **grants** Petitioner’s Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255, to the extent Petitioner’s sentence under Count Four of the Indictment, charging him with Using, Carrying, Brandishing, and Discharging a Firearm During and In Relation To a Crime of Violence, in violation of 18 U.S.C. § 924(c)(1)(A)(iii) is **vacated** and

he will be resentenced on the remaining count of conviction, Conspiracy to Interfere with Commerce by Robbery in violation of 18 U.S.C. § 1951(a) (Count One). In all other respects, Petitioner's motion and remaining claims are **denied and dismissed as moot or untimely**. By separate order, the court will schedule a sentencing hearing to resentence Petitioner on Count One.

It is so ordered this 12th day of August, 2020.


Sam A. Lindsay
United States District Judge